

<p style="text-align: center;"><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	<p>Policy Number</p> <p style="text-align: center;">27-14-01</p> <p>Date Filed</p> <p style="text-align: center;">January 12, 2005</p>	<p>Total Pages</p> <p style="text-align: center;">12</p> <p>Effective Date</p> <p style="text-align: center;">May 26, 2005</p>
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## I. DEFINITIONS

As used in this document, the following definitions shall apply:

“Abscond” means to be absent from the offenders approved place of residence or employment with the intent of avoiding supervision.

“Adult” means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of the law.

“Application fee” means a reasonable sum of money charged an interstate compact offender by the sending state for each application for transfer prepared by the sending state.

“Arrival” means to report to the location and officials designated in reporting instructions given to an offender at the time of the offender’s departure from a sending state under an interstate compact transfer of supervision.

“By-laws” means those by-laws established by the Interstate Commission for Adult Offender Supervision for its governance, or for directing or controlling the Interstate Commission’s actions or conduct.

“Compact commissioner or commissioner” means the voting representative of each compacting state appointed under the terms of the Interstate Compact for Adult Offender Supervision as adopted in the member state and duly appointed by the Governor.

“Compliance” means that an interstate compact offender is abiding by all terms and conditions of supervision, including payment of restitution, family support, fines, court costs or other financial obligations imposed by the sending state.

“Deferred sentence” means a sentence the imposition of which is postponed pending the successful completion by the offender of the terms and conditions of supervision ordered by the court.

“Detainer” means an order to hold an offender in custody.

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“Discharge” means the final completion of the sentence that was imposed on an offender by the sending state.

“Extradition” means the return of a fugitive to a state in which the offender is accused, or has been convicted of, committing a criminal offense, by order of the governor of the state to which the fugitive has fled to evade justice or escape prosecution.

“Interstate commission for adult supervision” Means the organization created by the states to ensure cooperative efforts in the transfer of supervised offenders, the Interstate Commission for Adult Offender Supervision (ICAOS) provides states and their Commissioners with oversight and assistance in administering the Interstate Compact for Adult Offender Supervision.

To this end, ICAOS:

- 1) Promotes state cooperation in achieving increased public safety and offender accountability; Builds expertise and leadership among Interstate Commission members to improve oversight, administration and case outcomes; and
- 2) Provides technical assistance, training, legal guidance and interpretation and networking for community supervision and compact administration professionals.

“Interstate compact agreement for the supervision of probationers and parolees” means an agreement entered into by eligible jurisdictions in the United States and its territories in cooperative efforts to provide mutual assistance and control as it relates to the supervision of probationers and parolees, convicted in one (1) state and released on supervision to another state.

“Interstate compact administrator/deputy administrator” means the individual in each compacting state appointed under the terms of this compact and responsible for the administration and management of the state’s supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council under this compact.

“Misdemeanor” means an offender who has a misdemeanor conviction and meet compact eligibility requirements. These sentences must include one year or more of supervision and one or more of the following:

- 1) an offense in which a person has incurred direct threatened physical or psychological harm;
- 2) an offense that involves the use or possession of a firearm;
- 3) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;
- 4) a sexual offense that requires the offender to register as a sex offender in the sending state.

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“Offender” means an adult placed under, or made subject to, supervisions as the result of the commission of criminal offense and released to the community under the jurisdiction of courts, parings authorities, corrections, or other criminal justice agencies, and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

“Plan of supervision” means the terms under which an offender will be supervised, including proposed residence, proposed employment or viable means of support and the terms and conditions of supervision.

“Probable cause hearing” means a hearing in compliance with the decisions of the U.S. Supreme Court, conducted on behalf of an offender accused of violation the terms or conditions of the offender’s parole or probation.

“Receiving state” means a state to which an offender requests transfer of supervision or is transferred.

“Reporting instructions” means the orders given to an offender by the sending or receiving state directing the offender to report to a designated person or place, at a specified date and time, in another state. Reporting instructions shall include place, date, and time on which the offender is directed to report in the receiving state.

“Resident” means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who-

- 1) Has resided in the receiving state for 180 days or longer, and
- 2) Indicates willingness and ability to asst the offender as specified in the plan of supervision.

“Retaking” means the act of a sending state in physically removing an offender, or causing to have an offender removed, from a receiving state.

“Rules” means acts of the Interstate Commission, which have the force and effect of law in the compacting states, and are promulgated under the Interstate Compact for Adult Offender supervision, and substantially affect interested parties in addition to the Interstate Commission.

“Sending state” means a state requesting the transfer of an offender, or which transfers supervision of an offender, under the terms of the Compact and its rules.

“Shall” means that a state or other actor is required to perform an act, the non-performance of which may result in the imposition of sanctions as permitted by the Interstate Compact for Adult Offender Supervision, its by-laws and rules.

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“Significant violation” means an offender’s failure to comply with the terms or conditions of supervision that, if occurring in the receiving state would result in a request for revocation of supervision.

“Special condition” means a condition or term that is added to the standard conditions of parole or probation by either the sending or receiving state.

“Subsequent receiving state” means a state to which an offender is transferred that is not the sending state or the original receiving state.

“Supervision” means the authority or oversight exercised by supervising authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which the offender is required to report to or be monitored by supervising authorities, and includes any condition, qualification, special condition or requirement imposed on the offender at the time of the offender’s release to the community or during the period of supervision in the community.

“Supervision fee” means a fee collected by the receiving state for the supervision of an offender.

“Temporary travel permit” means for the purposes of sec. 3.108 (b), the written permission granted to an offender, whose supervision has been designated a “victim-sensitive” matter to travel outside the supervising state for more than 24 hours but no more than 31 days. A temporary travel permit shall include a starting and ending date for the travel.

“Travel permit” means the written permission granted to an offender authorizing the offender to relocate from one state to another.

“Victim” means a natural person or the family of a natural person who has suffered physical injury or serious emotional harm as a result of an act or omission of an offender.

“Victim-sensitive” means a designation made by the sending state in accordance with its definitions of “crime-victim” under the statutes governing the rights of crime victims in the sending state. The receiving state shall give notice of offender’s movement to the sending state as specified in sections 3.108 and 3.1081.

“Waiver” means the voluntary relinquishment, in writing, of a known constitutional right or other right, claim or privilege by an offender.

## II. POLICY and PROCEDURE

A. The Division of Probation and Parole shall be a member of the Interstate Commission for Adult Offender Supervision (ICAOS) and shall cooperate with other jurisdictions in the supervision and management of probationers and parolees. State Council shall also be created whose membership must include at

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least one representative from Legislative, Judicial, Executive, Victims Groups and Compact Administrators. Any forms required by the Interstate Commission for Adult Offender Supervision shall be used for actions taken pursuant to this policy. Forms may be reviewed at [www.adultcompact.org](http://www.adultcompact.org).

B. Interstate transfers shall be processed through and administered by the Interstate Compact Administrator, located in Correction's Central Office. All electronic, verbal and written communications in reference to Compact cases must be generated through the interstate compact office. (3-3181)

1. No officer shall permit a person who is eligible for transfer under the compact to relocate to another state except as provided by the rules. Probationers or parolees eligible for compact services shall not knowingly be allowed to live in another state unless his case is processed through the Interstate Compact office. Compliance with the compact shall aid in protecting the public, and shall give an offender the services he needs from one (1) jurisdiction to another. (3-3181), (3-3184)
2. Offenders shall not travel until an entire transfer packet has been completed and all necessary documents signed. (3-3183)
3. A travel permit, not to exceed seven (7) days, maybe issued to newly sentenced probationers to allow for the request and issuance of reporting instructions. A copy of the appropriate travel permit document and request for reporting instructions must be immediately processed to the receiving state.
4. States have 48 hours to respond to reporting instructions request and 45 calendar days to respond to transfer request. (3-3182)
5. If an offender who is actively being supervised on probation or parole supervision and is requesting an immediate transfer of supervision to another state, both the sending state and the receiving state have to be in agreement that an emergency does exist then an expedited transfer request can be submitted. The receiving state will authorize the offender to travel via emergency reporting instructions and the sending state must submit a completed transfer request to the receiving state within 7 Calendar days. (3-3184)

C. Interstate Transfer

The Interstate Compact is the sole authority which may permit the planned and organized movement of an offender from state to state for supervision. An offender under the jurisdiction of the Probation and Parole agency shall be processed in accordance with the provisions of the commission. (3-3180)

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## 1. Eligibility Criteria

- a. Felons, deferred sentences (pre trial diversion) and misdemeanants as specifically defined are eligible for compact services.
- b. There is no right of an offender to live in another state. Transfers are to be submitted at the discretion of the sending state.
- c. Applicants must have at least three months of supervision remaining and offender must be a resident as defined by the compact or have immediate family members in the receiving state. The offender must have a visible means of support or the ability to obtain employment. The offender must have a viable plan and be in substantial compliance with the terms and conditions of his/her release.
- d. An offender who is a member of the military and has been transferred by the military to another state, and qualifies for compact services shall be immediately eligible for transfer of supervision. (3-3185)
- e. An offender who lives with a family member who is in the military and is deployed to another state and qualifies for compact services shall be immediately eligible for transfer of supervision. (3-3185)
- f. An offender who meets compact qualifications or whose family member with whom they reside and will continue to reside with is transferred to another state due to a compelling employment situation shall be immediately eligible for transfer unless the receiving state can show good cause for rejecting supervision. (3-3185)
- g. A good cause transfer request can be submitted on all other offenders who otherwise do not qualify for compact services. However, the receiving state has the discretion whether to accept this case for supervision. This is a consent case and not a mandatory acceptance case. The offender must remain in Kentucky while this request is being investigated and the transfer request must reflect a justification as to why a transfer is being submitted.

## 2. Transfer Request from Another State

- a. The request for transfer received from another state shall be completed by the appropriate officer within ten (10) days of receipt.

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- b. The officer shall not accept supervision of an offender from another state until the case is forwarded through the Interstate Compact and accepted for supervision in Kentucky.
  - c. Once the investigation is complete the officer shall advise the sending state of acceptance or rejection of supervision in writing. Reporting instructions are to be included on the acceptance report for offenders who have not been permitted to relocate prior to the completion of the transfer request. (3-3181)
  - d. Arrival notices and departure notices and appropriate travel permit documents are to be promptly processed through the compact office. (3-3183)
- 3. All documents shall be typed and the transfer request shall include the following:
  - a. A completed interstate transfer request for transfer of an offender to another state. The request shall contain specific information regarding the prospective address and employment of the offender. One (1) copy shall be retained in the office file. The original and one copy shall be forwarded to Central Office.
  - b. A completed offender's application for Interstate Compact services. One (1) copy shall be retained in the office file. The original and one copy shall be forwarded to Central Office. (3-3183)
  - c. A completed consent to random drug or alcohol testing. One (1) copy shall be retained in the office file. The original and one copy shall be forwarded to Central Office.
  - d. A completed release of medical and psychological information. One (1) copy shall be retained in the office file. The original and one copy shall be forwarded to Central Office. (3-3183)
  - e. Two (2) copies of the following additional case material shall be forwarded through the District Supervisor to Central Office in the following order:

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### **PAROLE TRANSFER**

parole certificate  
notice of discharge  
conditions of supervision  
supervision history  
presentence investigations  
judgments  
photograph

**If applicable**, any information pertaining to victim sensitive matters, sex offender registration, travel permits, and departure notices.

### **PROBATION TRANSFER**

judgments  
conditions of supervision  
supervision history  
presentence Investigations  
photograph

**If applicable**, any information pertaining to victim sensitive matters, sex offender registration, travel permits, and departure notices.

#### 4. Transfer of Out-of-State Cases between Kentucky Districts

If an out-of-state offender is under supervision in Kentucky and requests transfer to another district within the Commonwealth, the officer shall:

- a. Complete an intrastate transfer request. If the case is accepted, the offender shall be added to the caseload in the receiving district.
- b. A copy of the request and reply to the request shall be sent to the District Supervisor or designee to be forwarded to the Interstate Compact Administrator.

#### 5. Transfer Back to Sending State

If an offender from another state under supervision in Kentucky wishes to transfer back to the sending state and is not under active criminal investigation or is not charged with a subsequent criminal offense, the officer shall:



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- a. Complete a request for reporting instructions and forward to the Interstate Compact Office or Central Office for a response. Once reporting instructions have been obtained:
- b. Prepare a progress report to the sending state, advising that an offender is returning to his home state. Pertinent information may be noted on the comment section. Forward the appropriate copies to the Interstate Compact Administrator.
- c. Issue an appropriate travel permit document to the offender for purposes of this return, and complete a close interest report. Forward the appropriate copies to the Interstate Compact Administrator.

6. Transfer of Out-of-State Cases to a Third State

If an offender from another state under supervision in Kentucky wants to transfer to a third state and is not under active criminal investigation or is not charged with a subsequent criminal offense, the officer shall:

- a. Complete a request for reporting instructions, transfer request, offender's application for Interstate Compact transfer, consent to random drug and alcohol testing, authorization for release of medical and psychological and a progress report. Documents shall reflect the original sending state information and the third state information. Forward to the Interstate Compact Office or Central Office for a response. Once reporting instructions or an acceptance has been obtained:
- b. Issue an appropriate travel permit to the offender and complete a close interest report. Forward the appropriate copies to the Interstate Compact Administrator. (3-3181)

7. Compact Supervision

- a. The receiving state shall assume supervision duties over probationers or parolees of any sending state, transferred under the compact and will apply equal standards of supervision and services that prevail for its own probationers and parolees. (3-3186)
- b. Offenders must comply with all registration and DNA testing in accordance with laws or policies of the receiving state.
- c. At the time of the investigation or during the term of supervision special conditions of supervisions can be imposed upon the

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offender if this special condition would have been imposed if the offender had been convicted in that state.

- d. The sending state shall immediately inform the receiving state of the special condition of supervision.
- e. The receiving state shall immediately notify the sending state of any special conditions, which cannot be imposed or unable to enforce.
- f. A receiving state may impose a reasonable supervision fee on an offender whom the state accepts for supervision, which shall not be greater than the fee charged to the state's own offenders.
- g. A sending state shall not impose a supervision fee on an offender whose supervision has been transferred to a receiving State.
- h. The sending state is responsible for collecting all fines, family support, restitution, court cost or other financial obligations imposed.
- i. We are not mandated to send out an interstate transfer request on those offenders whose sole condition of supervision is to pay a financial obligation.
- j. The sending state determines the duration of supervision. The receiving state determines the level of supervision. (3-3187)
- k. Arrival reports shall be sent to the sending state immediately of the client's arrival within the receiving state. (3-3189)
- l. Progress reports are to be submitted annually.
- m. Receiving states are responsible for notifying sending states of all violations. However, significant violations are to be reported within 30 days. Supportive documentation must be submitted along with warrant request.
- n. The sending state shall respond to a report of a violation no later than 10 business days.
- o. If a warrant is issued by the sending state. Notice of a hearing must be served. If a hearing is requested a hearing must be scheduled or offender must sign a waiver and admit guilt. The sending state cannot return offender until this process has been completed. Preliminary hearings shall be conducted under the rules

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of the receiving state and all requests will be honored by the receiving state. Sending states cannot retake an offender until all criminal charges have been disposed. Local jails do not get reimbursed for housing out of state offenders. (3-3191)

- p. Decision to detain an out of state offender with out a warrant shall always be discussed with the Compact Office.

#### 8. Closing Compact Cases (3-3181)

- a. When expiration is reached or offender is released from supervision.
- b. When an offender absconds.
- c. Notification of imprisonment for a period exceeding 180 days.
- d. Notification of death (Please submit available documentation).
- e. When offender returns to sending state (reporting instructions are required and final progress report).
- f. When offender transfers to another state (Upon sending state's approval & the issuance of reporting instructions or an acceptance. A final progress report must be submitted).
- g. When an offender is convicted of a subsequent felony offense, a receiving state can require the sending state to retake the offender upon completion of the term of incarceration or upon conclusion of the sentencing hearing process.
- h. At this time of closure a close interest report shall be provided to the sending state.

#### 9. Parole to Holds

- a. When offenders are paroling to an out of state hold (detainer) an interstate transfer request shall be submitted prior to their release to that hold if the following is applicable:
  - (1) Offender is anticipated to be released from the detainer within a relatively short period of time not to exceed six months. (The interstate compact process can take up to 45 days before a response is received and an acceptance remains effective for up to 120 days).

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(2) Offender's home plan will be in the same state where the detainer is lodged.

- b. Submit the required transfer material to the Interstate Compact Office and under the comment section include information in reference to the offender's detainer. States are prohibited from rejecting supervision of an offender solely due to an outstanding warrant or detainer if the pending criminal matter cannot be the basis for parole revocation.
- c. When a parole to hold certificate is received, the officer shall prepare a parole to hold notification, which shall be signed by the offender. This document serves as formal notification to the offender of his parole obligation to Kentucky immediately upon release from the detainer. Forward a copy of this notification to the Interstate Compact Office along with a copy of the signed parole certificate.
- d. Upon receipt of the parole to hold notification the Interstate Compact Office shall enter the offender information into the parole to hold database. A request to notify shall be sent out to the holding facility and the offender shall be monitored until his release from the detainer.
- e. If an interstate transfer request is warranted and has not been processed upon notification of the offender's release, the Interstate Compact Office shall submit a transfer request on behalf of the offender. If the offender will be returning to Kentucky for supervision, the Placement Manager shall process a parole plan investigation request. Upon approval of the home placement the offender shall be provided with specific reporting instructions.
- f. When warranted the person with case responsibility may recommend that an offender be paroled to hold when eligible for release if the parole board has not already made that decision.